



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

SAU#72, Alton School District
PO Box 120
Alton, New Hampshire 03809

Re: Prospect Mountain High School
Alton, New Hampshire

ADMINISTRATIVE ORDER
NO. WD 2004-013

July 19, 2004

A. INTRODUCTION

This Administrative Order is issued by the Department of Environmental Services, Water Division ("DES") to the Alton School District pursuant to RSA 485-A:17 and RSA 482-A:6. This Administrative Order is effective upon issuance.

B. PARTIES

1. The Department of Environmental Services, Water Division ("DES"), a duly constituted administrative agency of the State of New Hampshire, having its principal office at 29 Hazen Drive, Concord, NH 03301.
2. SAU#72 Alton School District ("the District") is a District pursuant to RSA 194:1 having a mailing address of PO Box 120, Alton, NH 03809.

C. STATEMENTS OF FACTS AND LAW

1. Pursuant to RSA 485-A:17, DES regulates significant alteration of terrain and erosion control through a permit program. Pursuant to RSA 485-A:6, VIII, the Commissioner of DES ("Commissioner") has adopted NH Code of Admin. Rules Env-Ws 415 to implement this program.
2. Pursuant to RSA 482-A, the Department of Environmental Services ("DES") regulates dredging, filling, and construction in or on any bank, flat, marsh, wetland or swamp in and adjacent to any waters of the state. Pursuant to RSA 482-A:11,I, the Commissioner has adopted NH Code Admin. Rules Wt 100 *et seq.* to implement this program.
3. On March 26, 2003, DES issued Site Specific Permit WPS-6436 ("Site Specific Permit") to

the District for the construction of Prospect Mountain High School on property on Route 28 in Alton, NH, identified as Alton Tax Map 5, Lots 66-1, 66-2 and Map 8, Lot 54 ("the Property").

4. The Site Specific Permit was issued subject to the following relevant conditions:

1. Water quality degradation shall not occur as a result of the project.
4. The approved plans and supporting documentation in the permit file are a part of this approval.

5. On February 2, 2004, DES issued Wetlands and Non-Site Specific Permit 2003-96 ("Wetlands Permit") to the District to dredge and fill 37,536 square feet within forested wetlands for roadway construction and expansion of Route 28 to access to provide the proposed high school and for construction of associated athletic fields.

6. The Wetlands Permit was issued subject to the following relevant conditions:

1. All work shall be in accordance with plans by Appledore Engineering dated January 6, 2003, and revised through January 7, 2004 ("the Wetlands Plans") as received by the Department on January 14, 2004.
4. This permit is contingent on approval by the DES Site Specific Program.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
24. Proper headwalls shall be constructed within seven days of culvert installation.
30. The contractor responsible for completion of the work shall utilize techniques in the *DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996)* and the *Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992)*.

7. Harvey Construction Corporation of New Hampshire ("Harvey"), is a New Hampshire corporation registered to do business in New Hampshire having a mailing address of 10 Harvey Road, Bedford, NH 03110-6805. Harvey is the general contractor for the Prospect Mountain High School project.

8. Thibeault Corporation of New England ("Thibeault"), is a New Hampshire corporation registered to do business in New Hampshire having a mailing address of 603 Old Mammoth Road, Londonderry, NH 03053. Thibeault is the site work subcontractor retained to execute the work on the Property under the Site Specific Permit and Wetlands Permit.

9. The approved plans and supporting documentation in the project file ("the Site Specific Plans") are incorporated into the Site Specific Permit by Condition No. 4 of that permit. The Site Specific Plans include "wetlands impact areas".

10. Section A of the erosion and sediment control notes on Sheet C-7 of the Site Specific Plans states that a maximum of 5 acres of the site will be denuded at one time ("Open Area").

11. Section A of the erosion and sediment control notes on Sheet C-7 of the Site Specific Plans states that: "Stabilization of all swales, ditches and ponds is required prior to directing flow to them."
12. Section C of the erosion and sediment control notes on Sheet C-7 of the Site Specific Plans states that : "All mulches must be inspected periodically, in particular after rainstorms, to check for rill erosion. If less than 90% of the soil surface is covered by mulch, additional mulch shall be immediately applied".
13. On May 5, 2003, DES personnel inspected the Property in response to a complaint that sediment had been transported from the Property onto an abutter's property. Reportedly, the sediment deposition occurred after a rain event on May 2, 2003 as a result of work done to install the "first culvert crossing" at wetlands impact area #6.
14. During the May 5, 2003 inspection of the Property, DES personnel observed the following:
 - a. Sediments had been deposited on the abutter's property, and
 - b. Sediment controls had been installed subsequent to the rain event.
15. Also, during the May 5, 2003 inspection, DES personnel met with Cynthia Balcius of NH Soils, Inc. ("District Consultant"), a Certified Professional in Erosion and Sediment Control (CPESC), and David Laughlin, a Thibeault representative. Sediment controls had been implemented at the suggestion of the District's representative on May 2, 2004. At this meeting, several erosion and sedimentation controls were recommended by the District Consultant, including the following:
 - a. Construction of a permanent detention pond north of station 28 on Main Rd;
 - b. Addition of stone and filter fabric to the inlet and outlet of the first culvert crossing; and
 - c. Installation of additional siltation and erosion controls.
16. On May 8, 2003, DES personnel inspected the Property and observed the following:
 - a. Only one culvert was installed at the first culvert crossing where multiple culverts were shown on the Site Specific and Wetland Plans;
 - b. A temporary crossing was installed at wetland crossing #6;
 - c. A plunge pool had been installed at the culvert inlet; and
 - d. Water exiting the Property was not turbid.
7. On May 16, 2003, DES personnel inspected the Property and observed the following:
 - a. Sedimentation and turbidity were observed on the abutter's property;
 - b. Water was being pumped to an upland detention basin; and
 - c. Class A stone and bark mulch had been installed on the site.
18. During the May 16, 2003 inspection, representatives from Harvey, Thibeault and the District

were present. The contractors agreed that excessive rain had caused turbidity events on May 12 and May 14. The contractors agreed to pump the water to an upland basin, to plug the culvert, to construct a temporary detention basin to reduce flows through the area, and to install stone and bark mulch.

19. On May 16, 2003, DES received a complaint from the abutter alleging that "silt/sediment run-off to our land from ongoing work on wetlands crossing at site indicated on map attached." The photographs attached to the complaint showed turbid water present in a forested wetland.

20. On June 3, 2003, DES personnel inspected the Property. During the inspection, deficiencies related to both the Site Specific and Wetlands Permits were documented, including the following:

- a. Installation of a temporary crossing with one culvert, without headwalls, and without stabilized side slopes;
- b. Sediment has migrated from the temporary culverts at wetland impact area #6 onto the abutter's property, consisting of a wetland area;
- c. Unstable soils to the west of the detention pond had contributed to turbid water in the detention pond; and
- d. The detention basin was not stabilized.

21. On June 9, 2003, DES received a letter from Schauer Environmental Consultants, L.L.C. signed by Chris Danforth, CPESC, which states: "... Thibeault Corp contacted me on June 3, 2003 to assist them with soil erosion and water quality issues associated with the Alton High School construction project."

22. On June 11, 2003, DES issued Letter of Deficiency WD-WQE 03-06 ("the LOD") to Harvey and Thibeault. The District was provided a courtesy copy of the LOD. The deficiencies documented on June 3, 2003 were cited in the LOD as follows:

1. Construction was not in accordance with the plans approved under Site Specific Permit WPS-6436. Specifically:
 - a. An area in excess of 5 acres had been disturbed; and
 - b. Ponds 3 and 5 had not been stabilized before drainage had been directed to them.
2. Widespread rill erosion had occurred in the areas that drain to Ponds 3 and 5
3. Sediment-laden water was draining from Pond 3 into a wetland approximately 150 feet east of the pond.
4. Some of the silt fence had not been properly installed. Specifically:
 - a. Sections had not been toed-in;
 - b. There were gaps between sections; and

c. Some of the material had not been stapled to the stakes.

- 5 Sections of the Stabilized Construction Entrance had filled in with sediment.
6. The wetlands crossing in wetlands impact area 6 was not constructed as described in the Wetlands Plans, and as required by Condition 1 of the Wetlands Permit.
7. The wetlands crossing at impact area 6 was not installed during low flow as required by Condition 6 of the Wetlands Permit.
8. Proper headwalls were not installed for the crossing at wetlands impact area 6 as required by Condition 24 of the Wetlands Permit.”

23. The LOD also stated that: “DES believes the deficiencies can be corrected by:

1. Engaging the services of a Certified Professional in Erosion and Sediment Control ("Consultant") for an initial period of one (1) month. During this period, the Consultant should inspect the subject site at least once a week, and if possible, **during a significant rain event....** The Consultant should provide technical assistance and recommendations to the contractor(s) on the appropriate Best Management Practices for Erosion and Sediment Controls, such that sediment-laden water does not drain into wetlands and/or surface waters or off-site. . . .
2. Stabilizing disturbed areas so that no more than 5 acres is open at one time.
3. Providing an erosion control plan and a construction sequence by June 18, 2003 for replacement of the existing culvert at wetlands impact area 6 with the permitted crossing as depicted on Impact Detail Plan received by DES on March 21, 2003 from Appledore Engineering, Inc.
4. Properly installing and repairing the silt fence within 5 days of the receipt of this letter.
5. Cleaning and repairing the Stabilized Construction Entrance in accordance with the Plans within 5 days of the receipt of this letter. . . .”

24. On June 11, 2003, DES sent the LOD to Thibeault via fax.

25. On June 12, 2003, DES received a response to the LOD from Thibeault via fax.

26. On June 13, 2003, Harvey received the LOD as evidenced by signature on Return Receipt #7002 3150 0001 5411 1036.

27. On June 16, 2003, DES received a letter of response to the LOD from Schauer Environmental Consultants, L.L.C. ("Schuaer"). The letter described Best Management Practices for Erosion and Sediment Controls ("BMPs") that had been implemented to resolve the

deficiencies documented on June 3, 2003. Also, the letter stated that: "Thibeault Corporation has indicated to me that they are willing to do whatever is reasonably necessary to meet the requirements of the permit conditions for this project."

28. As of June 18, 2003, DES had not received an erosion control plan and a construction sequence for replacement of the existing culvert at wetlands impact area 6 as requested in the LOD.

29. On June 19, 2003, DES personnel met with Thibeault and Schauer on the Property. DES observed that BMPs had been implemented in response to the deficiencies documented on June 3, 2003. DES again asked Thibeault for an erosion control plan and a construction sequence for replacement of the existing culvert at wetlands impact area 6. A DES inspection report documenting this request was provided to and signed by a representative of Thibeault on June 19, 2003.

30. On July 3, 2003, DES received a letter from Schauer. The letter included:

- a. A request to increase the Open Area allowed on the Property at one time from 5 acres to 10 acres; and
- b. A construction sequence/schedule for replacement of the existing culvert at wetlands impact area 6. Completion of the crossing in accordance with the Wetlands Permit was scheduled for the weekend of either June 28 or July 12, 2003.

31. On July 3, 2003, DES personnel observed that approximately one-half (1/2) the length of four (4) culverts had been installed at wetlands impact area # 6 where there had been a single temporary culvert.

32. On July 11, 2003, DES notified Schauer via e-mail that the request to expand the maximum disturbance allowed on the site at one time from 5 acres to 10 acres had been granted.

33. On July 21, 2003, during a telephone conversation with DES, Schauer stated that more than 10 acres had been disturbed on the site at one time.

34. On July 23, 2003, DES issued revised Site Specific Permit WPS-6436-A with Condition No. 8 as follows:

"The revision consists of a change in the maximum area than can be disturbed at one time from 5 acres to 10 acres."

35. On July 23, 2003, DES personnel observed that the culverts had been installed at wetlands impact area # 6, but the headwall had not been constructed.

36. During the July 23, 2003 inspection, DES personnel requested Thibeault to construct the headwall in accordance with the Wetlands Permit by August 8, 2003.

37. Schauer's report for an inspection performed on August 4, 2003 documents that the Open Area on the Property exceeded 10 acres.

38. On August 8, 2003, DES personnel inspected the Property. During the inspection, DES documented that:

- a. The headwall at wetlands impact area 6 had not been completed; and,
- b. The fill pile on the eastern side of the Property, adjacent to Treatment Swale 3 ("East Stockpile") had slumped due to soil saturation.

39. DES prepared a written inspection report that documented the above observations, and included a request that temporary erosion and sediment controls be installed for the East Stockpile. Schauer signed the report and a copy was provided to Schauer.

40. Also on August 8, DES and Schauer discussed the importance of stabilizing the East Stockpile. The East Stockpile is located in an area that drains to Pond 3, which in turn drains to wetlands impact area 6 and the abutter's property. Stabilization of the East Stockpile is necessary in order to prevent sediment from being deposited in wetlands and/or on the abutter's lot.

41. During the week of August 18, 2003, DES requested that Thibeault stabilize approximately 1,500 feet of the entrance road and its side slopes before wetland crossing #2 was constructed.

42. On August 19, 2003, DES received a letter from the Schauer. The purpose of the letter was "... to request authorization to proceed with the construction of the second wetland crossing. ." on the Property.

43. On September 5, 2003, DES personnel inspected the Property and found that the entrance road and its side slopes had not been stabilized as requested during the week of August 18, 2003

44. On September 17, 2003, DES personnel inspected the Property and found that adequate BMPs had been implemented to meet the request by DES the week of August 18, 2003. In response, DES prepared a written report that stated in part: "[It is] OK to proceed with wetland crossing to Phase 2." A representative for Thibeault signed the report, and a copy was provided to Thibeault.

45. On October 27, 2003, DES personnel inspected the Property. During the inspection, DES observed the following and made requests to address these deficiencies as follows:

- a. The southeast slope of Pond 5 was failing; critical to repair and stabilize immediately; and
- b. The East Stockpile was severely eroded and is a major source of sediments getting into ponds 3 and 5; temporarily stabilize immediately with seed and mulch or other method.

46. DES documented these observations and requests in a written inspection report, which was signed and provided to Harvey.

47. On November 24, 2003, DES personnel inspected the Property. During the inspection, deficiencies were documented and requests made as follows:

- a. Roadside ditches and swales need to be stabilized;

- b. The fill pile (i.e. the East Stockpile) needs to be stabilized; and
- c. Fill pile northwest of the [school] building ("Northwest Stockpile") needs to be stabilized.

48. Thibeault representatives were provided with a copy of the DES inspection report which documented the deficiencies and DES requests described in item 47. Thibeault representatives signed the DES inspection report.

49. On April 1, 2004, Schauer performed an inspection of the Property. In the report, Schauer noted: "Phase II area fully engaged."

50. On April 6, 2004, DES personnel inspected the Property in response to a complaint from the Alton Conservation Commission. During the inspection, DES documented the following deficiencies and observations:

- a. Site disturbance exceeded the Site Specific Permit limit of 10 acres; Phase 2 had been opened to its limits, that is, approximately 13 acres had been disturbed. Also, there was additional Open Area in Phase 1;
- b. Adequate temporary erosion control measures were not in place as evidenced by eroded soils throughout the site;
- c. The construction sequence described on the Site Specific Plans had not been followed. Specifically, the ditches and swales had not been stabilized prior to directing flow to them as required by the Site Specific Permit, and as requested by DES on November 24, 2003; and
- d. Pond construction was not in accordance with the approved plans, as follows:
 - i. The pools of Pond 4 had not been constructed, and the wetland vegetation had not been planted, and
 - ii. Neither the permanent outlet structure nor the emergency spillway for Pond 5 had been constructed. Reportedly, water overtopped the berm of Pond 5 during the week previous to this inspection.
- e. At the time of the inspection, less than 90% of the soil surface of the Northwest Stockpile was covered by mulch, as required by the Plans and as requested by DES on November 24, 2003. The Northwest Stockpile had eroded.
- f. The District reported that sediments from the Northwest Stockpile were a major source of the turbid water in Pond 2: the sediments had migrated both en masse across the road, and via the closed drainage system into Pond 2, causing the water in Pond 2 to become turbid. Also, DES observed heavy sediment deposits in areas that drain to Pond 2, that is:
 - 1. At the toe of the slope of the Northwest Stockpile, and
 - 2. The access road downhill of the Northwest Stockpile.
- g. Turbid water from Pond 2 was draining into a wetland below its outlet.

51. DES prepared an inspection report which documented the observations described above. The report was signed by a representative for the District, and a copy was given to the District

52. On April 14, 2004, DES personnel inspected the Property. During the inspection, the following deficiencies were documented:

- a. Moderate to heavy sediment deposits on the section of the access road that drains to wetlands impact area 6;
- b. Sediment controls installed in the catch basins along the section of the access road that drains to wetlands impact area 6 were clogged;
- c. Sediment-laden water draining into wetlands downstream of impact area 6, and onto the abutter's lot;
- d. The Northwest Stockpile had not been stabilized; and,
- e. Turbid water from Pond 2 was draining into a wetland below its outlet.

53. DES prepared an inspection report which documented the observations described in item 52. The report was signed by representatives of both the District and Thibeault, and copies were given to them.

54. On April 20 and April 21, 2004, DES received a response from Thibeault to a DES request for the establishment of a schedule for completion and correction of ongoing problems observed by DES at the Property.

55. On April 29, 2004, DES personnel provided Thibeault with a summary of the ten ongoing items that need remediation with agreed to time frames listed for each item as follows:

<u>ITEM</u>	<u>COMPLETION DATE</u>
1. Remove or temporarily stabilize the stockpile NW of School building	A PRIORITY, Remove or stabilize immediately.
2. Stabilization of ditches/treatment swales	A PRIORITY, No later than May 15, 2004
3. Loam, seed, mulch and/or blanket all areas at finish grade	No later than May 15, 2004
4. <u>Pond 5</u> : Construct the pond and its structures, and permanently stabilize /vegetate in accordance with the approved plans.	No later than May 15, 2004
5. <u>Pond 4: Constructed Wetland</u> Construct the pond and its structures, permanently stabilize and plant all vegetation in accordance with the approved plans/planting scheme.	<u>Upland areas</u> : No Later than May 15, 2004. <u>Wet areas</u> : Early June 2004 (i.e. before June 15, 2004).

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|---|--|
| 6. Playing fields and adjacent disturbed areas in front of school building: "track" up and down the slope with machinery. | At the end of each work day; |
| 7. Get/keep concentrated water off unstabilized/unvegetated slopes and other areas susceptible to erosion. | Ongoing. |
| 8. Discharge clean water (only) from progress. building underdrains onto school property east of the school building. | Immediately and every time pumping is in |
| 9. Fields in front of school building. | No date set, but discussed the idea of delaying work in this area until the soils dry out. As with all unstabilized areas, runoff and erosion/sedimentation should be controlled here. |
| 10. Maximum area of disturbance = 10 acres | On-going. |
56. On June 11, 2004, DES personnel inspected the Property and observed the following:
- (a) The inlet at the first wetland crossing, not yet built to plan, is still set up as sediment "filter" and some water is still being directed to the temporary sediment basin just beyond the construction entrance;
 - (b) The treatment swale that drains to Pond 3; swale is receiving drainage, but had not been stabilized;
 - (c) Pond 5 is fine graded and loamed, bottom mulched. Final outlet installed according to Thibeault personnel, but emergency spillway not constructed;
 - (d) The treatment swale that drains to Pond 5; shaped and loamed, but not seeded or mulched, Bottom not stabilized; east slope slumped;
 - (e) The proposed fields in the front of the school building consist of disturbed soil and are not stabilized;
 - (f) The ditch around the building is not final graded, or stabilized;
 - (g) The matting on slopes in back of school building are in need of repair;
 - (h) At Pond 2 the following observation were made:
 - (i) The pond is holding turbid water at south end.
 - (ii) The pond needs an emergency spillway.
 - (iii) The pond's outlet swale is receiving drainage but is not stabilized/vegetated.
 - (iv) The pond bottom was not stabilized/vegetated.
 - (v) Sediment accumulations on pond bottom.
 - (v) Removal of Northwest Stockpile is in process.
 - (i) At the second wetland crossing; silt fence on north side needs repair;

(j) At phase 2 area of active construction, except for Pond 1, no other stabilization by vegetation had occurred;

(k) At Pond 1 some slopes matted, some open, some mulched; needs additional vegetation. Swale below outlet receiving drainage, but is not stabilized/vegetated;

(l) The road slopes on west side below Pond 2 are eroded; silt fence needs repair. Swale across from construction trailer is receiving drainage, but had not been stabilized;

(m) At Pond 4 the following observations were made

(i) The pond slopes were stable;

(ii) The pond outlet was installed;

(iii) The pond needs an emergency spillway;

(iv) The pond needs to be graded per plan (a constructed wetland);

(v) The wetland plantings were not in place.

(l) Approximately 16 acres of area on the Property was "open" and not vegetatively stabilized.

57. A copy of the DES inspection report was provided to Barry Elliot, Clerk of the Works, Alton School District.

58. On June 13, 2004, Schauer sent a letter to Thibeault enclosing an Environmental Audit ("Audit") of the Property. A copy was provided to DES. The Audit states "According to the May 18, 2004 site inspection the extent of active construction area was 8.1 acres and is therefore in compliance with the 10 acre maximum." The Audit includes a June 9, 2004 Site Inspection Report which does not include an estimate of the open area. The DES considers any disturbed, unstabilized area to be "open" whether under active construction or not.

D. DETERMINATION OF VIOLATIONS

1. The District has violated Site Specific Permit WPS-6436 by having more than 5 acres of Open Area at one time.

2. The District has violated amended Site Specific Permit WPS- 6436-A by having more than 10 acres of Open Area at one time under Site Specific Permit WPS-6436-A.

3. The District has violated Site Specific Permit WPS-6436 by failing to construct Pond 4 in accordance with the Site Specific Plans.

4. The District has violated Site Specific Permit WPS-6436 by failing to construct Pond 5 in accordance with the Site Specific Plans.

5. The District has violated Site Specific Permit WPS-6436 by failing to mulch the Northwest Stockpile in accordance with the Site Specific Plans.

6. The District has violated Site Specific Permit WPS-6436 by failing to stabilize all swales and

ditches prior to directing flow to them.

7. The District has violated Condition # 1 of Wetlands Permit 2003-96 by failing to carry out installation of culvert crossing in accordance with the Wetland Plans.
8. The District has violated Condition # 7 of Wetlands Permit 2003-96 by failing to install appropriate siltation, erosion or turbidity controls prior to, and during construction.
9. The District has violated Condition# 24 of Wetlands Permit 2003-96 by failing to install a proper headwall within seven days of culvert installation.

E. ORDER

Based on the above findings, DES hereby orders the District as follows:

1. **Within 10 days of the date of this Order**, stabilize all areas at finish grade by installing either:
 - a. Loam, seed, and mulch in sufficient quantity to attain at least 90% coverage; or
 - b. Sod.
2. **Within 10 days of the date of this Order**, reduce the Open Area to 10 acres or less by installing either:
 - a. Erosion control blanket; or
 - b. Sod.
3. **Within 10 days of the date of this Order**, construct and stabilize the upland areas of Pond 4 and its structures in accordance with the Site Specific and Wetlands Plans.
4. **On or before July 30, 2004**, plant all vegetation in the wet areas of Pond 4 in accordance with the Site Specific and Wetlands Plans and approved planting scheme.
5. **Within 10 days of the date of this Order**, construct and stabilize Pond 5 and its structures in accordance with the Site Specific Plans.
6. **Within 5 days of the date of this Order**, stabilize the Northwest Stockpile by installing an erosion control blanket and temporary erosion controls around it, or remove the Northwest Stockpile from the Property.
7. **Within 10 days of the date of this Order**, construct, in accordance with the Site Specific Plans, all ditches and treatment swales that are receiving drainage and stabilize by installing either:
 - a. Loam, seed and an erosion control blanket, or
 - b. Sod.
8. **Starting immediately and at the end of each work day** "track" the Open Areas on the Property up and down the slope with machinery.

9. **Immediately and on a daily basis until project is completed**, perform site grading to keep concentrated water off areas susceptible to erosion.
10. Upon final of stabilization of upstream areas, clean accumulated sediments from Ponds 1, 2, 3, and 5 so that their base elevations are at design grade.
11. Complete the culvert crossing at wetland impact area # 6 in accordance with the Wetlands Plans once the adjacent upland areas are stabilized.
12. Retain a Certified Erosion Control Specialist to monitor and oversee execution of items E. 1-11 and to submit a report within one week following completion of each of items E.1 through E.7 and E.10-11 and weekly reports until completion of items E.8 - 9.
13. Send correspondence, data, reports, and other submissions made in connection with this Administrative Order, **other than appeals**, to DES as follows:

Ridgely Mauck, P.E.
DES Water Division
29 Hazen Drive
Concord, NH 03301
Fax: (603) 271-2303
e-mail: rmauck@des.state.nh.us

F. APPEAL

Any person aggrieved by determinations D. 1 through 6 of this Order may appeal the Order to the New Hampshire Water Council by filing an appeal that meets the requirements specified in Env-WC 200 within 30 days of the date of this Order. Copies of the rule are available from the DES Public Information Center at (603) 271-2975 or at <http://www.des.state.nh.us/desadmin.htm>.

Any party aggrieved by determinations D.7 through 9 of this Order may apply for reconsideration with respect to those determinations within 20 days from the date of the Order. A motion for rehearing must describe in detail each ground for the request. DES may grant a rehearing if in its opinion, good reason is provided in the motion.


Appealing the Order or requesting reconsideration does not automatically relieve the District of its obligation to comply with the Order.

G. OTHER PROVISIONS

Please note that RSA 482-A and RSA 485-A provide for administrative fines, civil penalties, and criminal penalties for the violations noted in this Order, as well as for failing to comply with the Order itself. The District remains obligated to comply with all applicable requirements, in particular ongoing erosion and stabilization requirements. DES will continue to

monitor the District's compliance with applicable requirements and will take appropriate action if additional violations are discovered.

This Order is being recorded in the Belknap County Registry of Deeds so as to run with the land.


Harry T. Stewart, P.E., Director,
Water Division


Michael P. Nolin, Commissioner
Department of Environmental Services

Certified Mail/RRR:7099 3400 0003 0688 9170 (District)

CC: Gretchen Hamel, DES Legal Unit ✓
Public Information Officer, DES PIP Office
Jennifer Patterson, Senior Assistant Attorney General
Alton Board of Selectmen
Alton Conservation Commission
Belknap County Registry of Deeds
Harvey Construction Corporation of New England
Thibeault Corporation of New England